REMARKS

In response to the above-identified Office Action, Claims 2, 5, 6, 8, 9, 10, 11, 15, 16, 18, 19, 20, 23, and 24 remain pending in the present application.

This application is under final rejection. Applicant has presented arguments hereinbelow that Applicant believes should render the claims allowable. In the event, however, that the Examiner is not persuaded by Applicant's arguments, Applicant respectfully requests that the Examiner enter the remarks to clarify issues on appeal.

For the reasons set forth more fully below, Applicant respectfully submits that the present claims are allowable. Consequently, reconsideration, allowance and passage to issue of the present application are respectfully requested.

<u>Cited Art Rejections</u>

The Examiner has rejected claims 2, 5, 6, 8, 9, 10, 11, 15, 16, 18, 19, 20, 23, and 24 under 35 U.S.C. 103(a) as being unpatentable over Swinamer et al. (hereinafter 'Swinamer') in view of Walker et al. In response to Applicant's previous remarks regarding the rejection, the Examiner states:

> **Applicant's arguments filed 1/13/03 have been fully considered but they are not persuasive. Applicant asserts that neither Swinamer nor Walker show the signaling of data from a mobile manager system to a central controller to provide an override signal in response to an override condition occurring in a POS. Applicant fails to see how or why a PDA or wireless management device could or would be used in Swimaner.**
> **The examiner asserts that the above limitation is shown by introducing wireless communication to old and well known management functions. Swimaner shows the old and well known functions of a retail manager who is in communication with the employees servicing the POS terminals by means of a phone system. Walker teaches a system and method for dynamic assembly of packages in retail environments. While Walker has a different purpose for its communication system, shown in figure 1, it specifically mention [sic] PDAs as a means for wireless communication both at a central server and at the POS sites.**
> **Both references solve the same problem of communicating information from a central point to a group of POS terminals. It would be obvious for one of ordinary skill in the art to want to use the better communication system. (This is the "why".)**

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Replacing the phone communication system of Swimaner with the wireless communication system of Walker including the use of PDAs would be an obvious improvement. (This is the "how".)

Applicant respectfully disagrees with the Examiner's assertions.

The Examiner's position seems to emphasize the role of the phone system in Swimaner as providing a "communication" system between the POS terminals and a central point, and that improvement of such a "communication" system would be obvious to one of ordinary skill in the art. Further, the wireless "communication" system of Walker is presented as an obvious improvement for replacing the Swinamer phone system.

As Swinamer discloses, its phone system connects each clerk and bagger at each counter in a grocery store to each other and to a manager via an intercom system. As the Examiner states, the "manager is at the master station (central controller system)" and it is through "verbal communication" that the manager interacts with the clerks and baggers. Under the Examiner's premise of replacement of the communication system of Swimaner with the wireless communication system of Walker, such a replacement merely changes the manner in which the clerks and baggers interact/"communicate" with the central point, i.e., from telephones to PDAs. Applicant fails to see any teaching or suggestion that such a replacement would result in the ability of the central point to efficiently handle an override condition in a point of sale device (POS) with the use of a mobile manager system/wireless management device, as recited by the Applicant.

As described on page 4, lines 19-21, the mobile manager system is used to provide appropriate action in response to an override condition occurring in a POS by signaling a central controller. Independent claims 5, 15, and 23 recite this aspect of the present invention, as follows:

5. A method for efficiently handling an override condition in a point of sale device (POS), the method comprising:

      (a)   receiving override details at the POS device;

      (b)   sending the override details from the POS device to a wireless management device; and

      (c) displaying the override details on the wireless management device, further including:

            entering an override signal on the wireless management device;

            sending the override signal to a central controller device from the wireless management device; and

            relaying the override signal from the central controller device to the POS device.

15. A method for providing efficient management interaction in a consumer transaction system, the method comprising:

(a) performing customer transactions through a plurality of point of sale (POS) systems networked to a central controller system, including identifying an override condition during a customer transaction in a POS system, sending data for the override condition to the central controller system, and transferring the data for the override condition to a mobile manager system; and

(b) utilizing the mobile manager system to remotely monitor and respond to the plurality of POS systems, including signaling release of the override condition from the mobile manager system to the central controller system.

23. A system for improving manager interaction in a consumer transaction system, the system comprising:

a plurality of point of sale (POS) systems;

a central controller system coupled to the plurality of POS systems; and

a mobile manager system in communication with the plurality of POS systems through the central controller system by a wireless communication mechanism, wherein the mobile manager system remotely monitors and responds to the plurality of POS systems, the POS system identifies an override condition during a customer transaction and sends data for the override condition to the central controller system, the central controller system transfers the data for the override condition to the mobile manager system, and the mobile manager system signals release of the override condition to the central controller system.
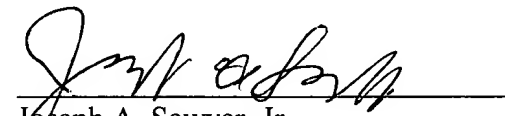
With the signaling of the mobile manager system to the central controller in the present invention, more direct control by the manager to an override condition in the POS is achieved, including, for example, the recited ability to remotely switch a status for a lock of at least one POS system (see dependent claim 10). In contrast, the verbal communication of the manager to the clerk in Swinamer only affects the cash register if the clerk performs some action. Replacing the phones with PDAs merely changes the communication between the manager and clerk from verbal to non-verbal, but there is nothing to teach or suggest that such a replacement would

remove the reliance on the clerk to identify and affect the status of the cash register. Thus, whether the Swinamer system communicates via phones or PDAs, Applicant fails to see any teaching or suggestion of the recited use of a mobile manager system to remotely monitor and respond to the plurality of POS systems, the POS system identifying an override condition during a customer transaction and sending data for the override condition to the central controller system, the central controller system transferring the data for the override condition to the mobile manager system, and the mobile manager system signaling release of the override condition to the central controller system.

In view of the foregoing, Applicant respectfully submits that recited invention is not taught, shown, or suggested by the cited art. Accordingly, Applicant respectfully requests withdrawal of the rejection of claims under 35 U.S.C. 103(a).

Applicant's attorney believes that this application is in condition for allowance. Should any unresolved issues remain, Examiner is invited to call Applicant's attorney at the telephone number indicated below.

Respectfully submitted,

Joseph A. Sawyer, Jr.
Sawyer Law Group LLP
Attorney for Applicant(s)
Reg. No. 30,801
(650) 493-4540